

ORDINANCE NO. 10-17

ORDINANCE OPTING OUT OF THE PROVISIONS OF CHAPTER 33, ARTICLE VI, DIVISION 5 ENTITLED "COMMERCIAL SIGNS ON EXPRESSWAY RIGHT-OF-WAY", OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PURSUANT TO MIAMI-DADE COUNTY CODE § 33-121.11 IN ORDER THAT SUCH PROVISIONS SHALL NOT APPLY TO SIGNS LOCATED WITHIN THE TERRITORIAL LIMITS OF THE CITY OF HIALEAH, FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Miami-Dade County Code §§ 33-121.10 et seq. enacted commercial sign regulations on expressway right-of-way, including a prohibition of outdoor advertising signs or billboards within 200 feet of a right-of-way lines of an expressway and a prohibition of other signs, with certain exceptions, within 600 feet of a right-of-way lines of an expressway; and

WHEREAS, pursuant to Miami-Dade County § 33-121.11, municipalities can elect to opt out of the provisions of the County's regulations concerning commercial signs on expressway right-of-way by ordinance; and

WHEREAS, since 1992, the City of Hialeah has prohibited the construction of new billboards and accordingly, all billboards have been approved or permitted prior to the date of the prohibition in 1992 and accordingly, have acquired legal nonconforming status; and

WHEREAS, since billboards (outdoor advertising or Class C signs under County Code) are prohibited, the prohibition acts as the City's regulation of billboards; and

WHEREAS, the City provides for sign regulations of all types of commercial point-of-sale signs pursuant to the provisions of Chapter 74 of the Hialeah Code, and depending on the zoning district designation of the property where the sign is located, may also provide additional limitations or restrictions on commercial signs.

WHEREAS, the City of Hialeah finds that it is in the best interest of the general welfare of the community to opt out of the provisions of the Miami-Dade County Code §§ 33-121.10 et seq.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby opts out of the provisions of Chapter 33, Article VI, Division 5 entitled “Commercial Signs on Expressway Right-of-Way”, of the Code of Miami-Dade County, Florida pursuant to Miami-Dade County Code § 33-121.11 in order that such provisions shall not apply to signs located within the territorial limits of the City of Hialeah, Florida.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 9th day of March, 2010.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

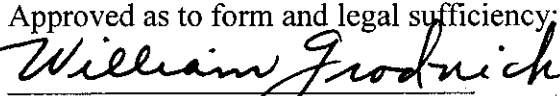

Carlos Hernandez
Council President

Attest:

Approved on this 10th day of March, 2010.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".